

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 16-CR-20294

vs.

HON. BERNARD A. FRIEDMAN

JOSHUA ORLANDO ROUNDTREE,

Defendant.

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**OPINION AND ORDER DENYING WITHOUT PREJUDICE  
DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE**

This matter is presently before the Court on defendant's December 12, 2020, letter, which the Court construes as a motion for compassionate release [docket entry 69]. The government has not responded. Pursuant to E.D. Mich. LR 7.1(f)(2), the Court shall decide this motion without a hearing.

In January 2017, defendant pled guilty to two counts of sex trafficking a minor, in violation of 18 U.S.C. § 1591(a). The factual basis for the plea was set forth in ¶ 1C of the parties' Rule 11 Plea Agreement as follows:

From on or about September 1, 2015 through February 1, 2016, in the Eastern District of Michigan, the defendant . . . recruited, enticed, harbored, transported, provided and obtained by any means, MV-1, a minor known to defendant and born in 1999, in disregard of the fact that she was not yet 18 years old, and knowing that she would be caused to engage in a commercial sex act. Defendant had the opportunity to observe MV-1 during the time frame above.

From on or about September 1, 2015 through February 1, 2016, in the Eastern District of Michigan, the defendant . . . recruited, enticed, harbored, transported, provided and obtained by any means, MV-2, a minor known to defendant and born in 1998, in disregard of the fact that she was not yet 18 years old, and

knowing that she would be caused to engage in a commercial sex act. Defendant had the opportunity to observe MV-2 during the time frame above.

Specifically, the defendant assisted and provided communications via cell phone, transportation by vehicle, hotel rooms, assistance and protection for MV-1 and MV-2, all for the purpose of them engaging in a commercial sex act.

The parties further agreed that defendant's sentencing guideline range is 235-293 months. *Id.*

¶ 2B. The Court sentenced defendant to the midpoint of this range, 264 months on each count, the terms to be served concurrently.

Defendant seeks compassionate release based on the severity of the sentence, his lawyer "mininform[ing] [him] on quite a few topics, his lack of knowledge of the victims' ages, the charges being based on the victims' unbelievable and untruthful stories, and the Court's failure to give him credit for time served in pretrial detention. Defendant indicates that he wishes to withdraw his guilty plea. He also states that he suffers from depression and has high blood pressure, high cholesterol, and difficulty breathing while sleeping. Defendant states that he is taking business classes and that he would have employment and a place to live if he were to be released.

A defendant seeking compassionate release must first "fully exhaust[] all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c)(1)(A). In the present case, defendant does not indicate that he has exhausted these remedies. In these circumstances, the Court is required to deny defendant's motion without prejudice. *See United States v. Alam*, 960 F.3d 831, 836 (6th Cir. 2020). Accordingly,

IT IS ORDERED that defendant's motion for compassionate release is denied without prejudice.

Dated: January 19, 2021  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 19, 2021.

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s/Johnetta M. Curry-Williams  
Case Manager